

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Muni et al.

Appl. No. : 09/049,857

Filed : March 27, 1998

For : ASPIRATION METHOD

Examiner : Deborah Blyveis

Group Art Unit 3763



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March 17, 2000

(Date)

Singing H. Lee, Reg. No. 43,745

COMMENTS ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Applicant respectfully disagrees with the Examiner's Statement of Reasons for Allowance to the extent that not all the claims include the method step mentioned by the Examiner. Also, to the extent that there is any implication that the patentability of the claims rests on the recitation of a single feature, Applicant respectfully disagrees with the Examiner's Statement because it is the combination of features that makes the claims patentable. For instance, Claim 1 recites a method of treatment of a blood vessel in which blood fluid flows proximally to distally, said method comprising:

delivering an expandable device to form a barrier sufficient to inhibit emboli suspended in said fluid from migrating past the barrier in a proximal to distal direction;

preventing emboli from moving in a distal to proximal direction by exposing said expandable device to blood fluid pressure within said vessel;

advancing a catheter having a lumen in fluid communication with a distal opening in the catheter, said advancing comprising moving said distal opening relative to said expandable device within the blood vessel such that said opening is distal to at least a

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portion of an occlusive substance within said blood vessel, said occlusive substance comprising said emboli suspended in said fluid;

drawing fluid from the vessel into the distal opening such that (a) a fluid flow is created in the lumen in a distal to proximal direction, and (b) said fluid flow is simultaneously created in said vessel in a proximal to distal direction, whereby said emboli are carried by said fluid flow from said vessel into said distal opening and through said lumen of said catheter.

Accordingly, Applicant submits that Claim 1 is allowable because the prior art does not teach or suggest the combination of features as recited by this claim. Likewise, the other claims of the present application are also allowable because they each recite a combination of features that are not taught or suggested by the prior art.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3-17-00

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